

REMARKS/ARGUMENTS

STATUS OF THE CLAIMS

Claims 1-3 and 5-22 are pending with entry of this amendment, claim 4 having been previously cancelled. Claims 2, 3 and 5-10 are withdrawn from current consideration.

Claim 1 is amended herein. This amendment introduces no new matter and support is replete throughout the specification. The amendment is made without prejudice and is not to be construed as abandonment of the previously claimed subject matter or agreement with any objection or rejection of record. The present amendment to claim 1 finds further specific support in the specification as shown in Figs. 2a-c as well by the descriptions thereof in the specification, in particular at page 4, lines 20 to 24.

THE DRAWINGS (RESPONSE TO ¶3-4 OF THE OFFICE ACTION)

It is again alleged by the rejection that most recent amendment to Figure 3 contains new matter. Applicant respectfully traverses and requests clarification of the Examiner's position. The specification clearly recites use of a motor in specific embodiments of the invention in a way that would be easily understood in the art. The below are passages from the application as filed:

19. The apparatus according to claim 1, wherein a motor is connected to the pivot assembly in order to control the pivot means assembly to operate the member to move between the first position and the second position.

20. The apparatus according to claim 19, wherein the motor is remote controlled.

In another form of the invention a motor can be connected to the pivot means in order to control the pivot means to operate the member to move between the first position and the second position. Thus, one of the axes/rods could be extended outside the frame in such a way that a motor may be attached to the axle allowing the panel or panels to be rotated by the motor. The motor may be remote controlled.

With regard to both embodiments described a motor may be connected to the apparatus in order to rotate the respective members 6 or 44 between open and closed positions. With regard to the first embodiment a motor may be attached to either one or both of rods or pins 20 and 22. In the second embodiment of FIG. 3 a motor may be attached accordingly to the rods 67 and 69 connected to legs 76 and 78 so that rotation of the rods or pins rotate the frame 44 between open and closed positions. The motor may include an electronic circuit that has an infrared

receiver so that infrared signals may be sent from a remote control unit to control a motor to operate the apparatus. Hence, rotation of the members **6** or **44** can be initiated and stopped when the product is in the desired position.

The Examiner previously requested that a motor be shown in the drawings. Applicant first attempted to respond to this request by illustrating a motor 85 connected to rod 67 as described in the specification, using a belt, one type of connection that is extremely well known in the art. The Examiner objected to that amendment. In the presently presented amended drawings, Applicant has shown a motor “attached accordingly to the rods **67** and **69**” directly, using no means or parts not explicitly disclosed in the specification.

Figure 3 as presently amended includes an example configuration of schematically illustrated motor 85 connected to the pivot assembly via rod 67. This configuration finds support in the specification as filed. For example, the specification at p. 2 lines 30-32 (corresponding to paragraph [0011] of U.S. Publication No. 2007/0152545) states that “one of the axles/rods could be extended outside the frame in such a way that a motor may be attached to the axle allowing the panel or panels to be rotated by the motor.” Amended Figure 3 shows motor 85 positioned adjacent to frame section 46 for attachment to portion of rod 67 extending outside of the frame. Applicants submit that the configuration of the present amendment to Figure 3 is fully supported by the specification as filed and request entry of the amendment.

The Examiner appears to be taking the position that because the Examiner can readily image different types of connections and motors, Applicant may not show a particular example motor connected to the rods as described in the specification in order to meet the Examiner’s earlier requirement to show the motor in the drawings.

Applicant traverses and asks that the objection be withdrawn. In the alternative, Applicant requests the Examiner to provide further guidance as to how to provide the illustration required by the Examiner and to provide support for the Examiner’s position that an illustration of a motor connected to the rod as described in the specification as filed constitutes new matter because the Examiner can imagine other configurations.

Applicants submit that the amendment brings the drawings into compliance with Rule 1.83(a) and request that the objection be withdrawn.

With respect to ¶5-8 of the Office Action, Applicant has amended claim15 in response to the Examiner's suggestion.

THE CLAIMS ARE FREE OF MARTIN, VOGEL AND WOLF

As previously discussed, the present invention is directed to an apparatus for housing a product for personal physical operation within a cavity comprising. It is readily understood that projector units, visual display units, keyboards, telephones, and the like, are products that are immediately operable without physical removal from the apparatuses of the invention.

The Action alleges that Claims 1, 11-12, 14, and 21-22 are anticipated by Noellert; that claims 1, 11 and 21-22 are anticipated by Vogel, that claims 1, 11-14 and 21-22 are anticipated by Wolf, that claims 1, 11, 13-14 and 21-22 are anticipated by newly applied reference Schmidt (5,927,837).

Claim 12 and 17 were rejected under 35 U.S.C. §103(a) as obvious in view of Schmidt and newly applied reference Schnurer (4,706,845). Claim 15-16 were rejected under 35 U.S.C. §103(a) as obvious in view of Schmidt as applied to claim 14. Claim 18 was rejected under 35 U.S.C. §103(a) as obvious in view of Schmidt and Schnurer and Vogel. Claims 19-20 were rejected 35 U.S.C. §103 as obvious in view of Schmidt and Nott.

A claim is anticipated only if each and every element as set forth in the claim is found, either expressly or inherently described, in a single prior art reference. At least because neither Martin, Vogel, Wolf, Noellert, nor Schmidt teach an apparatus that accessibly *mounts* a product for immediate personal operation by a user *without requiring the product to be physically removed* from the apparatus, these references fail to anticipate the present invention. Martin relates to "filing racks...especially adapted for use for filing away bolts, rivets, nuts, and the like...." See Martin at, e.g., the first paragraph. Vogel relates to an "ash receptacle." See Vogel at, e.g., the title and first paragraph. Wolf relates to a dental treatment room configuration which includes a doctor's sink cabinet that is allegedly relevant to the present invention. The suspended ceiling of Noellert is expressly intended for storing articles that are readily placed in, and removed from, the ceiling. Schmidt discusses a rolling toolbox from which tools are removed prior to any use.

Thus, nowhere in these references is a product *mounted*, let alone accessibly mounted for immediate personal operation without requiring the product to be physically removed from the apparatus. For this reason alone, the references fail to teach the limitations of previously amended claim 1, and the rejections under §102(b) should be withdrawn.

However, in order to expedite prosecution, Applicant here further amends the claims as indicated above, to read on the 180 degree rotation embodiment shown in Figs. 2a-c. None of the cited references discuss such an embodiment. Applicant reserves the right to represent broader claims in a continuation application or other future proceedings.

THE CLAIMS ARE NOT OBVIOUS

Applicant maintains previous objections to the obviousness rejections. The claims prior to the current amendment are not obvious for the reasons discussed above and as previously argued.

The claims as currently amendment are also not obvious as none of the references describe an apparatus that moves 180 degrees between a first and second position and provided in the amended claims.

Applicants submit that no new matter has been added to the application by way of the above Amendment. Accordingly, entry of the Amendment is respectfully requested. Applicants traverse all rejections and objections, to the extent that they are applied to the amended claims.

CONCLUSION

In view of the foregoing, Applicants believe all claims now pending in this application are in condition for allowance. The issuance of a formal Notice of Allowance at an early date is respectfully requested.

If the claims are deemed not to be in condition for allowance after consideration of this Response, a telephone interview with the Examiner is hereby requested. Please telephone the undersigned at (510) 337-7871 to schedule an interview.

The Commissioner is hereby authorized to charge any additional fees associated with this paper or during the pendency of this application, or credit any overpayment, to Deposit Account No. 50-0893.

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Respectfully submitted,

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Reg. 36,579